

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:02cr7-1**

<b>JIMMY BIJOU,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**THIS MATTER** is before the court on petitioner’s Motion for Return of Seized Property (#69) filed December 8, 2006. Such motion is nearly identical to petitioner’s earlier Motion for Return of Property (#49), which this court resolved August 5, 2004. See Order (#58). In that Order, Honorable Richard L. Voorhees, United States District Judge, held as follows:

that Defendant’s Motion for Return of Property be GRANTED as to the leather coact (item vi above) and a leather handbag (item viii above), and that Defendant’s Motion as to the remainder of the items be DENIED. Defendant is advised that, should he seek the return of the remaining items, he must address the issue with NCDR.

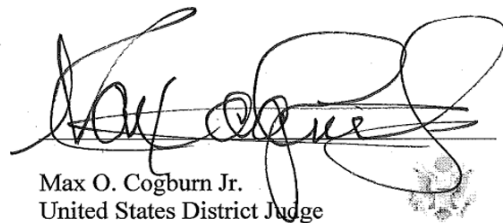
Order (#58), at 3. With limited exceptions, petitioner’s new motion covers items already addressed by this court. As to those exceptions, which appear to concern cash, Judge Voorhees has already advised petitioner that items of monetary value were seized by the North Carolina Department of Revenue as “part of an independent administrative action to collect a tax for illegal drug possession and has no connection to the criminal investigation by ATF . . . .” Order (#58), at f.n. 3.

Petitioner's motion is, therefore, successive as this court has previously granted petitioner all the relief available to him under Rule 41(g), Federal Rules of Criminal Procedure. To the extent petitioner seeks return of property that is not in the hands of any federal agent or agency, but is instead in the hands of the North Carolina Department of Revenue, this court is without jurisdiction over the State of North Carolina, U.S.Const. 11<sup>th</sup> Amend., and petitioner is again advised to address any such concern to the North Carolina Department of Revenue.

**ORDER**

**IT IS, THEREFORE, ORDERED** that petitioner's Motion for Return of Seized Property (#69) is **DENIED** as successive and moot.

Signed: April 15, 2011



Max O. Cogburn Jr.  
United States District Judge